HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.12722 of 2003

Dated 11th day of July, 2007

Between:

V. Papa Rao .. Petitioner

And

The Joint Collector, Guntur and two others .. Respondents

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O R D E R:

This writ petition is filed seeking a mandamus to declare the Notification dated 16.6.2003 issued by the 2nd respondent inviting applications for appointing a Fair Price Shop Dealer for Ganapavaram village, as arbitrary and illegal.

The petitioner asserts that he was appointed as a Fair Price Shop Dealer for Ganapavaram village some 22 years ago, and since then, he has been distributing essential commodities to the card-holders without any complaints whatsoever. However, on the basis of the report, dated 14.10.2001 submitted by the 3rd respondent-Mandal Revenue Officer, the 2nd respondent-Revenue Divisional Officer cancelled the petitioner's authorization on 30.11.2001. When he preferred an appeal questioning the cancellation of his authorization, the 1st respondent-Joint Collector directed the 2nd respondent to conduct an enquiry into the matter with reference to the sales register maintained by the petitioner. Now, the petitioner's grievance is that the 2nd respondent, without conducting any enquiry, issued the impugned Notification, dated 16.6.2003 inviting applications for appointing a new Fair Price Shop Dealer for Ganapavaram village on permanent basis.

Heard the learned counsel for both the parties and perused the material placed on record.

This Court, on 2.7.2003, while ordering Rule Nisi, directed the respondents not to take further steps in pursuance of the impugned Notification.

In the light of the interim orders, this Court is of the view that till the disposal of the appeal preferred by the petitioner questioning the cancellation of his authorization, the 2nd respondent shall not proceed

further with the impugned Notification. The 1st respondent is also directed to dispose of the appeal pending before him, within a period of four weeks from the date of receipt of a copy of this order, if not already disposed of.

With the above direction, the writ petition is disposed of. No costs.

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11.07.2007

bcj